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A TREATISE ON FEDERAL CRIMINAL LAW PROCEDURE, with Forms of Indictment and Writ of Error and the Federal Penal Code. Second Edition. By William H. Atwell. Chicago: T. H. Flood & Co., 1916; pp. 808.

The first edition of this work appeared in 1910. The second edition follows the same arrangement as the first, with the addition here and there, apparently more or less at random, of new sections dealing with phases of the law that have developed in the last half-dozen years as the result of changes in or additions to the statutes. An additional chapter on Practice Suggestions treats various matters of practice that have been considered by the courts since the publication of the first edition. The well-annotated official edition of the Federal Penal Code, with the appendix showing the Federal penal laws not included in the Code, is reprinted in full as Chapter XXV, and is in some respects the most valuable part of the work. Some forty forms of indictment for various crimes (most of them forms that have been approved in litigated cases) are included in Chapter XXIV and (though the collection is of course far from complete) furnish some suggestions for the attorney who is inexperienced in the drawing of indictments.

There is a good deal of valuable material scattered here and there in the book, and it may well be of some assistance in supplying a guide to "the busy, painstaking lawyer" referred to in the author's preface. But it is very doubtful if a really painstaking lawyer would feel, after consulting Mr. Atwell's work, that he had been much helped in getting to the bottom of any particular question, or in obtaining a very strong light on general principles of criminal law and procedure. The work is obviously, as indicated in the preface to the first edition made up of casual annotations (which are, unfortunately, not always apposite) made by the author during his experience as United States Attorney, and supplemented by familiar and elementary observations culled from various works on Criminal Law. The annotations are extremely ill-organized and appear in many instances to be printed just as they were jotted down by the annotator from time to time; the excerpts from texts, and from many of the judicial opinions quoted, are frequently commonplace and far from illuminating. And the author's method of citing cases is fearful and wonderful! There are some dozen different ways of altering the standard form of citation and, in addition, such styles as the following, chosen at random from a few neighboring pages of the book: "United States vs. Nixon et al., Supreme Court of the United States, Oct. Term, 1914"; "Drew vs. Thaw, U. S. Supreme Court, Oct. Term, 1914"; "Sheriff vs. Daily, U. S. Supreme Court, decided May 15, 1911"; "Matter of Lacy, 1894, Okla., 4". The proper citations of all of these cases were available to the author long before the publication of his book, and such slipshod methods of citation are an affront to any reader. No table of cited cases is given, and the index is incomplete, inaccurate, and—worst of all—is not arranged alphabetically. For instance, the forms of indictment above referred to are not indexed under the names of the various crimes but are included in the index only under "Forms" where a list is given in the same helter-skelter

lack of order in which they are arranged in the body of the work, without any arrangement either topical or alphabetical.

It is to be regretted that Mr. Atwell's expressed desire to lighten the labor of his fellow attorney and to point a way to the busy, painstaking lawyer has resulted in a work marred by so many indications that the author himself is very far from painstaking.

EVANS HOLBROOK.

CASES AND OTHER AUTHORITIES ON LEGAL ETHICS, by George P. Costigan, Jr., Professor of Law in Northwestern University. St. Paul: West Publishing Company, 1917.

This is one of the American Case Book series, and is the first attempt, so far as the reviewer is aware, to provide a selection of cases as the basis for a course of instruction in legal ethics.

The term "legal ethics" as commonly used, includes not only those rules and regulations which involve the *legal* obligations and relationships of the lawyer toward his client, the court and his brethren of the profession, and in some instances toward the public, but as well his *moral* obligation toward all these. In this latter phase the term is used with reference to the lawyer much as the term "medical ethics" is used with reference to the practitioner of medicine. A practitioner of medicine may be guilty of a breach of a rule of medical ethics and incur no legal responsibility on account of it. And so the lawyer may be guilty of violating some purely ethical regulation of his profession without affecting his *legal* relationships to his client, the court or his brethren.

Let one examine the "Canons of Legal Ethics" adopted by the American Bar Association and it will be quite apparent that a lawyer may fail in the observance of many of them and his legal status be unaffected. We are not surprised therefore, to note that the author seems to appreciate that any attempt to teach this subject in its full breadth from decided cases will develop serious difficulties. Courts do not attempt to decide cases by the application of *mere* rules of morals obtaining in any department of human relationships. It is only when such rules have crystallized in the body of our civil jurisprudence that the courts recognize their obligatory force. We do not find, therefore, in decided cases authority for determining what the lawyer ought or ought not to do, apart from his legal obligation to do, or to refrain from doing, a particular thing.

Because of this dual nature of the subject, certain phases being within the control of courts, and certain others outside their authority, our book is only in part a "case" book. There would seem to be no good reason why, if the course in this subject is to be given, it should not be given with a case book in so far as the strictly legal relationships of the lawyer are concerned, and the cases selected to develop the law in this field are well chosen. As a book to be used for the teaching of morals to the embryonic lawyer one might be pardoned for preferring the lessons he learned at, or on, mother's knee.

There is much in the book which lacks that interpretation which would